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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-216.**

13 **ANNE M. ANDERSEN, aka Anne M.**
14 **Anderson, aka Anne Margaret Hickey**

ACCUSATION

15 **1535 Mathias Place**
16 **Rohnert Park, CA 94928**

17 **Registered Nursing License No. 468813**

18 Respondent.
19

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
24 of Consumer Affairs.

25 2. On or about August 31, 1991, the Board of Registered Nursing issued Registered
26 Nursing License Number 468813 to Anne M. Andersen ("Respondent"). The Registered Nursing
27
28

1 License was in full force and effect at all times relevant to the charges brought herein and expired
2 on March 31, 2009.

3 4 JURISDICTION

5 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
6 Department of Consumer Affairs, under the authority of the following laws. All section
7 references are to the Business and Professions Code ("Code") unless otherwise indicated.

8 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
9 any licensee, including a licensee holding a temporary or an inactive license, for any reason
10 provided in Article 3 (commencing with section 275) of the Nursing Practice Act.

11 5. Section 2761(a) of the Code states:

12 The board may take disciplinary action against a certified or licensed nurse or deny an
13 application for a certificate or license for unprofessional conduct.

14 6. Section 2762 of the Code states:

15 "In addition to other acts constituting unprofessional conduct within the meaning of this
16 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
17 chapter to do any of the following:

18 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
19 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
20 administer to another, any controlled substance as defined in Division 10 (commencing with
21 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
22 defined in Section 4022.

23 . . .

24 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
25 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
26 section."

1 7. Section 4060 of the Code states, in pertinent part, that no person shall possess any
2 controlled substance except that furnished to a person upon the prescription of a physician,
3 dentist, podiatrist or veterinarian.

4 8. Health and Safety Code section 11173 (a) states, in pertinent part, that no person shall
5 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
6 administration or prescription for controlled substances by fraud, deceit, misrepresentation or
7 subterfuge.

8 9. Section 2764 of the Code provides, in pertinent part, that the expiration of a
9 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
10 against a licensee or to render a decision imposing discipline on the license. Under section 2811
11 (b) of the Code, the Board may renew an expired license at any time within eight years after the
12 expiration.

13 10. Section 118, subdivision (b), of the Code provides in relevant part that the expiration
14 of a license shall not deprive the Board with the authority to proceed with a disciplinary action
15 during the period within which the license may be renewed, restored, reissued or reinstated.

16 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 12. Drugs.

21 a. "Demerol," is a brand of meperidine hydrochloride, a Schedule II controlled
22 substance pursuant to Health and Safety Code section 11055 (c)(17) and is a dangerous drug per
23 Code section 4022.

24 b. "Dilaudid," is a brand of hydromorphone hydrochloride, a Schedule II controlled
25 substance pursuant to Health and Safety Code section 11055 (b)(1)(K) and is a dangerous drug
26 per Code section 4022.

27 c. "Fentanyl," is a brand of sublimaze, a schedule II controlled substance pursuant to
28 Health and Safety Code section 11055 (c)(8) and is a dangerous drug per Code section 4022.

1 d. "Morphine," is a brand of MS Contin, a schedule II controlled substance pursuant to
2 Health and Safety Code section 11055 (b)(1)(M) and is a dangerous drug per Code section 4022.

3 FIRST CAUSE FOR DISCIPLINE

4 (Illegal Possession of Controlled Substances)

5 13. Respondent is subject to disciplinary action under Code section 2761(a) on the
6 grounds of unprofessional conduct, as defined by Code section 2762(a) in that while on duty as a
7 registered nurse at Kaiser Santa Rosa, Santa Rosa, California, Respondent did the following:

8 a. On July 17, 2005, Respondent obtained Demerol 50 mg, a controlled substance, by
9 fraud, deceit, misrepresentation or subterfuge in violation of Health and Safety Code section
10 11173(a), by withdrawing this substance from Kaiser's computerized medication cart ("Pyxis")
11 for Patient A, when there was no Physician's Order for this medication.

12 b. On August 14, 2005, Respondent obtained Dilaudid 2 mg, a controlled substance, by
13 fraud, deceit, misrepresentation or subterfuge in violation of Health and Safety Code section
14 11173(a), by withdrawing this substance from Kaiser's Pyxis for Patient C, when there was no
15 Physician's Order for this medication.

16 c. On August 8, 2005, Respondent obtained Dilaudid 2 mg, a controlled substance, by
17 fraud, deceit, misrepresentation or subterfuge in violation of Health and Safety Code section
18 11173(a), by withdrawing this substance from Kaiser's Pyxis for Patient D, when there was no
19 Physician's Order for this medication.

20 d. On July 17, 2005, Respondent obtained Demerol 50 mg, a controlled substance, by
21 fraud, deceit, misrepresentation or subterfuge in violation of Health and Safety Code section
22 11173(a), by withdrawing this substance from Kaiser's Pyxis for Patient E, when there was no
23 Physician's Order for this medication.

24 e. On July 23, 2005, Respondent obtained Morphine 10 mg, a controlled substance, by
25 fraud, deceit, misrepresentation or subterfuge in violation of Health and Safety Code section
26 11173(a), by withdrawing this substance from Kaiser's Pyxis for Patient F, when there was no
27 Physician's Order for this medication.

1 f. On August 13, 2005, Respondent obtained Morphine 2 mg, a controlled substance, by
2 fraud, deceit, misrepresentation or subterfuge in violation of Health and Safety Code section
3 11173(a), by withdrawing this substance from Kaiser's Pyxis for Patient G, when there was no
4 Physician's Order for this medication.

5 g. On August 15, 2005, Respondent obtained Morphine 10 mg, a controlled substance,
6 by fraud, deceit, misrepresentation or subterfuge in violation of Health and Safety Code section
7 11173(a), by withdrawing this substance from Kaiser's Pyxis for Patient H, when the Physician's
8 Order provided for Morphine 4 mg.

9 SECOND CAUSE FOR DISCIPLINE

10 (False Entries in Hospital, Patient or Other Records)

11 14. Respondent is subject to disciplinary action under Code section 2761(a) on the
12 grounds of unprofessional conduct, as defined by Code section 2762(e), in that while on duty as a
13 registered nurse at Kaiser Santa Rosa, Santa Rosa, California, Respondent falsified, made grossly
14 incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records as follows:

15 a. On July 17, 2005, Respondent obtained Demerol 50 mg, a controlled substance, from
16 the Pyxis for Patient A, when there was no Physician's Order for Demerol. Respondent failed to
17 chart administering this medication to Patient A, and/or otherwise failed to account for the
18 disposition of the withdrawn Demerol.

19 b. On July 30, 2005, Respondent obtained Fentanyl a controlled substance, from the
20 Pyxis for Patient B. Respondent withdrew a total a 300 mcg of Fentanyl, charted administering a
21 total of 200 mcg to Patient B, and documented wasting 50 mcg of Fentanyl. Respondent failed to
22 account for the disposition of the remaining 50 mcg of Fentanyl.

23 c. On August 14, 2005, Respondent obtained Dilaudid 2 mg, a controlled substance,
24 from the Pyxis for Patient C, when there was no Physician's Order for this medication.
25 Respondent failed to chart administering this medication to Patient C, and/or otherwise failed to
26 account for the disposition of the withdrawn Dilaudid.

27 d. On August 8, 2005, Respondent obtained Dilaudid 2 mg, a controlled substance,
28 from the Pyxis for Patient D, when there was no Physician's Order for this medication.

1 Respondent failed to chart administering this medication to Patient D, and/or otherwise failed to
2 account for the disposition of the withdrawn Dilaudid.

3 e. On July 17, 2005, Respondent obtained Demerol 50 mg, a controlled substance, from
4 the Pyxis for Patient E, when there was no Physician's Order for this medication. Respondent
5 failed to chart administering this medication to Patient E, and/or otherwise failed to account for
6 the disposition of the withdrawn Demerol.

7 f. On July 23, 2005, at 9:16 a.m., Respondent obtained Morphine 10 mg, a controlled
8 substance, from the Pyxis for Patient F, when the Physician's Order provided for administering
9 Morphine 8 mg. Respondent charted administering Morphine 8 mg, and failed to account for the
10 disposition of the remaining 2 mg of Morphine.

11 g. On July 23, 2005, at 9:48 a.m., Respondent obtained Morphine 10 mg, a controlled
12 substance, from the Pyxis for Patient F, when there was no Physician's Order for this medication.
13 Respondent failed to chart administering this medication to Patient F, and/or otherwise failed to
14 account for the disposition of the withdrawn Morphine.

15 h. On August 13, 2005, Respondent obtained Morphine 2 mg, a controlled substance,
16 from the Pyxis for Patient G, when there was no Physician's Order for this medication.
17 Respondent failed to chart administering this medication to Patient G, and/or otherwise failed to
18 account for the disposition of the withdrawn Morphine.

19 i. On August 15, 2005, Respondent obtained Morphine 10 mg, a controlled substance
20 from the Pyxis for Patient H, when the Physician's Order provided for administering Morphine 4
21 mg. Respondent charted administering Morphine 4 mg, and failed to account for the disposition
22 of the remaining 6 mg of Morphine.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nursing License Number 468813, issued to Anne
27 M. Andersen.
28

1 2. Ordering Anne M. Anderson to pay the Board of Registered Nursing the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

5
6 DATED: _____

10/21/09

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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